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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-620

11 **ANILLE JOY MILLAN CANTALEJO**
12 **575 E. Remington Drive, Apt. 8L**
13 **Sunnyvale, CA 94087**

FIRST AMENDED ACCUSATION

14 **Registered Nurse License No. 712290**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about September 12, 2007, the Board of Registered Nursing issued Registered
22 Nurse License Number 712290 to Anille Joy Millan Cantalejo (Respondent). The Registered
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on December 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 **STATUTORY AND REGULATORY PROVISIONS**

9 6. Section 2761 of the Code states, in pertinent part:

10 The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the following:

13 (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
14 functions.

15 ...

16 7. Section 2762 of the Code states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
19 following:

20 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
22 administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022.

25 ...

26 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
27 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
28 section.

8. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, “gross negligence” includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

9. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, “incompetence” means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

10. California Penal Code section **471.5** states:

Any person who alters or modifies the medical record of any person, with fraudulent intent, or who, with fraudulent intent, creates any false medical record, is guilty of a misdemeanor.

COSTS

11. Section **125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL SUMMARY

12. On or about June 16, 2009, Respondent was employed as a licensed registered nurse at the Grant Cuesta Sub-Acute and Rehabilitation Center in Mountain View, California.

13. On or about June 16, 2009, Respondent knowingly created and/or signed a false medication administration record. This record purported to document the administration of Megace¹ and multivitamins to patient A,² a patient at the facility, during the months of May and June, 2009. In actuality, Megace and the multivitamins were not administered to patient A.

¹ Megace is a synthetic form of progesterin, prescribed as an appetite stimulant. It is a dangerous drug as defined by California Business and Professions Code section 4022.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 14. Respondent is subject to disciplinary action under section 2761(a) of the Code in that
4 she acted unprofessionally, as set forth above in paragraphs 12-13..

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Falsifying Medical Records)

7 15. Respondent is subject to disciplinary action under sections 2761(a) and 2762(e) of the
8 Code in that she committed acts of dishonesty related to the duties and functions of a licensee by
9 falsifying and making grossly incorrect entries in a hospital and patient record pertaining to
10 dangerous drugs and other items, as set forth above in paragraphs 12-13.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Gross Negligence)

13 16. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code in
14 that she acted with gross negligence, as set forth above in paragraphs 12-13.

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19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 712290, issued to Anille
23 Joy Millan Cantalejo;

24 2. Ordering Anille Joy Millan Cantalejo to pay the Board of Registered Nursing the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3;

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28 ² Patient A's identity is withheld to protect patient privacy.

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3. Taking such other and further action as deemed necessary and proper.

DATED: May 29, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant